

Kindly cancel claim 17.

REMARKS

Sequence Requirement

A requirement has been made regarding the submission of a diskette containing a sequence listing.

A diskette and amendment directing its entry in compliance is submitted herewith.

Reconsideration and withdrawal of the sequence requirement is requested.

Information Disclosure Statement

No response is deemed necessary.

Rejection under 35 USC 112

Claims 1 and 2 stand rejected under the second paragraph for the recitation of “made versus” and the suggestion made that “made against” terminology be employed. Such has been done throughout the claims. Reconsideration is requested.

Claim 9 stands rejected under the second paragraph on the basis that the Examiner cannot determine what limitations are intended. The rejection is traversed but is believed overcome by the above amendment of claim 9. Claim 9, which is intended to cover Example VI, has been cast clearly as a method claim. Reconsideration is requested.

Claim 17 stands rejected as confusing, based on use of the term “reaction product”. This rejection is traversed but is obviated by the cancellation of claim 17. Reconsideration is requested.

Claim 4 is rejected under 35 USC 101. This rejection is traversed but is obviated by cancellation of claim 4. Reconsideration is requested.

Rejection under 35 USC 102

Claim 1-2 and 5-15 stand rejected as anticipated over Lipps et al., US 5,576,297, November 19, 1996. This rejection is traversed.

Lipps is directed toward the discovery of LTNF and its uses. The present invention is directed toward the discovery of purified anti-LTNF and its uses. Although Lipps produced antibodies to LTNF, the antibodies were not isolated nor their usefulness shown. Claims which are specific as to the purified composition and uses for the composition would thus not be anticipated by Lipps.

In order to better distinguish Lipps et al., claims 1 and 2 have been amended to recite “consisting essentially of”.

Claim 5 has been amended to define a process of use for anti-LTNF.

Claim 6 is cancelled.

Claims 7 and 8 have amended to define processes dependent on claim 5.

Claim 9 has been amended to define a process of use for anti-LTNF. Claim 10 has been made dependent on claim 9.

Claim 11 has been amended to recite “consisting essentially of” and claims 12 and 13 are dependent on 11.

Claims 14 and 15 distinguished all along, at least on the basis that the process is conducted in vitro. In the event this rejection is repeated, it is requested that the Examiner point to the portion of the reference where Lipps is said to teach “that his antibodies react with both natural and synthetic toxins”.

Reconsideration of the 35 USC 102 rejection is requested.

Rejection under 35 USC 103

Claims 1-17 stand rejected as unpatentable over Lipps et al., in view of Harlow and Lane, 1988 (Antibodies: A Laboratory Manual; Chapter 7 and 14. This rejection is traversed.

It is asserted in the Office Action that it would be obvious to “use the teachings of Lipps et al to raise monoclonal and polyclonal antibodies to LTNF and use it as a reagent for immunoassays such as ELISA.”

However, what is very surprising about anti-LTNF is that it reacts with toxins (as well as with LTNF). Normally, an antibody would be expected to react only with the antigen against which it was produced. While LTNF was a universal toxin neutralizing factor, enabling toxins to be neutralized, anti-LTNF is a universal antibody for toxins, enabling toxins to be detected, and, it turns out, also enabling them to be assessed. These aspects of the invention are best pointed out in claims 5, 7-10 and 14-16.

As to composition claims 1-3 and 11-13, the composition as claimed is not disclosed by Lipps et al. MPEP 2144.04 VII. “Purifying an Old Product” indicates that a showing of unexpected properties should suffice to establish patentability. These are pointed out above. Reconsideration of the obviousness rejection is requested.

Conclusion

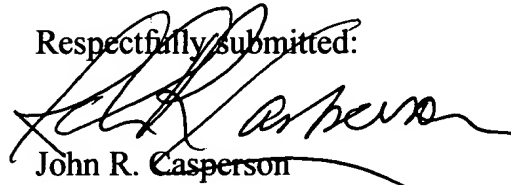
In view of the forgoing amendment and remarks, reconsideration and withdrawal of all grounds of rejection and early notice of allowance is respectfully solicited.

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